

REMARKS

Reconsideration of the instant application is respectfully requested. The present amendment is responsive to the Office Action of December 10, 2008, in which claims 1, 6-9 and 11-16 are presently pending. Of those, claims 1, 6-9 and 11-16 are now each rejected under §101 as being directed toward non-statutory subject matter. In addition, claims 1, 6-9 and 11-16 are rejected under 35 U.S.C. §103(a), as being unpatentable over U.S. Patent 6,152,563 to Hutchinson, et al., in view of U.S. Patent 5,731,805 to Tognazzini, et al., and further in view of U.S. Patent 6,204,828 to Amir, et al. For the following reasons, however, it is respectfully submitted that the application is now in condition for allowance.

Addressing first the newly applied §101 rejections of method claims 1, 6-9 and 11-16 (presumably inspired by the Federal Circuit's recent decision in *In re Bilski*), the Examiner indicates that although the claims reflect process claims, "the claims clearly do not recite a process of transformation and the claims do not tie the process to another statutory class by reciting an apparatus...". The Applicants respectfully submit that this is incorrect since claim 1 is replete with structural references tied to the claimed process operations, as emphasized below:

1. A method of interacting with a *monitor*, comprising:

modifying a portion of *an output displayed on a monitor* by tracking an eye gaze and by monitoring an *input indicator on the monitor* that reflects a user's activity, wherein the output comprises at least part of a stationary target object representing an *interactive component* comprising at least one of a *button*, a *scroll bar*, a hyperlink, or a menu;

wherein tracking the eye gaze comprises monitoring a user's eye movement in a direction of the stationary target object, and further monitoring a trajectory of the input indicator on the *monitor*;

wherein the portion of the output is modified upon detecting the coincidence of the user's eye movement and the input indicator trajectory in the direction of the stationary target object;

identifying the stationary target object through eye-gazing tracking by identifying at least one particular *pixel* being gazed at by the user;

wherein modifying the portion of the output comprises selectively expanding a target object region in the portion of the output; and

wherein modifying the portion of the output further comprises selectively contracting a region surrounding the target object region in the portion of the output, to compensate for the expanded target object region; and

further monitoring the input indicator to detect renewed activity, the renewed activity comprising a detected movement of a cursor in combination with a detected movement of the user's eye and, in response to the detected renewed activity, restoring the target object to an unmodified size and restoring the output displayed on the monitor to an unmodified appearance.

As will be seen from the highlighted language above, there are numerous references to structural elements in the present method claims, given that they are directed toward gaze tracking systems and interactive graphical user interfaces. Other dependent claims recite even further structure (see, for example, claim 12: The method according to claim 1, wherein the input indicator is inputted by *an input device* that comprises any one or more of: a *mouse*, a *touch screen*, a *tablet computer*, a *personal digital assistant*, a *stylus*, and a *motion sensor*.)

Accordingly, since the pending method claims satisfy the test of the recently decided *Bilski* case, they are directed toward patentable subject matter, and it is respectfully submitted that the §101 rejections should be withdrawn.

Addressing next the §103 references based on the combination of the Hutchinson, Tognazzini and Amir references, claim 1 is amended to more particularly point out the feature described in paragraphs [0077] and [0078] of the specification: wherein the portion of the output is modified after a delay, the delay beginning upon detecting the coincidence of the user's eye movement and the input indicator trajectory in the direction of the stationary target object, wherein the delay represents about 90 percent of the total trajectory between the input indicator of the monitor and the stationary target object. As indicated in the specification, this delay upon detecting both a visually identified target and cursor movement in the direction of the target prior to target expansion reduces the distraction on the user. Therefore, because this feature is not taught or suggested in the references of record, either alone or in combination, the claims are now patentable over the art of record.

Finally, the Applicants have reintroduced the previously cancelled computer program product and system claims by way of newly added claims 23-30, which include corresponding language from amended claim 1.

For the above stated reasons, it is respectfully submitted that the present application is now in condition for allowance. No new matter has been entered. However, if any fees are due with respect to this Amendment, please charge them to Deposit Account No. 09-0441 maintained by Applicants' attorneys.

Respectfully submitted,
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